

**GOVERNMENT OF ANDHRA PRADESH**  
**ABSTRACT**

Tribal Welfare Department – Appeal Petition filed by Sri G. Appa Rao S/o Late Markandeyulu and 3 others R/o Mondemkallu(V), Kurupam (M), Vizianagaram District, as per the orders of APHC, Hyderabad in W.A.No. 1696 of 2000, dt. 22.2.2010, Implead petition filed by Smt. Gedela Hemaltha W/o late R.Jagadeswar Rao, Smt. G. Sobha Rani W/o Parmeswara Rao and Sri Gedela Girish S/o Gedela Narayana Rao - against the Proceedings Rc. No. 845/98 C7, dt. 04.12.2000 of the Collector, Vizianagaram District – under section 7(2) of the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of Issue of Community Certificates Act 1993 (AP Act No. 16/1993) – Appeal Petition allowed – Orders Issued.

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**SOCIAL WELFARE (CV2) DEPARTMENT**

**G.O.MS.NO. 15**

Dated: 02.05.2012.  
Read the following.

1. Proceedings of the District Collector, Vizianagaram, (M) Rc. No. 845/98 C7, dt. 4.12.2000.
2. From the orders of APHC, Hyderabad in WA No. 1696 of 2000, dt. 22.02.2010.
3. Appeal Petition filed by Sri G. Appa Rao S/o Late Markandeyulu and 3 others R/o Mondemkallu(V), Kurupam (M), Vizianagaram District, dt.10.03.2010 filed through Sri Thota Narasimham, MLA, Jaggampet received through M(TW&RIAD).
4. Govt. Memo No. 2157/CV.2/2010, SW(CV.2), dated 29.3.2010.
5. Implead petition filed by Smt. Gedela Hemaltha W/o late R.Jagadeswar Rao, Smt. G. Sobha Rani W/o Parmeswara Rao before the Govt.
6. From the District Collector, VZM No. (M) Rc. No.1907/ 2003/C5, dated 05.05.2010.
7. Implead petitions filed by Sri Gedela Girish, S/o Gedela Narayana Rao before the Govt.
8. Govt. Memo No.2157/CV.2/2010, SW(CV.2) Dept, dt.12.1.2012
9. Govt.Memo No.2157/CV.2/2010, SW(CV2) Dept, dt. 31.3.2012

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**ORDER:**

In the reference 1<sup>st</sup> read above the District Collector, Vizianagaram has issued orders for canceling Scheduled Tribe certificate obtained from the then Tahsildar, Kurupam by Sri G. Appa Rao S/o Late Markandeyulu and 3 others, R/o Mondemkallu(V), Kurupam (M), Vizianagaram District.

2. Sri G. Appa Rao S/o Late Markandeyulu and 3 others R/o Mondemkallu(V), Kurupam (M), Vizianagaram have filed Writ Appeal No. 1696/2000 in A. P. High Court, Hyderabad. In the reference 2<sup>nd</sup> read above, the Hon'ble High Court of AP while disposing of the said Writ Appeal No. 1696/2000 has issued ``status Quo'' orders on 22/02/2010 with a direction to the appellants granting one month time to avail the remedy before the Government of Andhra Pradesh.

3. In the reference 3<sup>rd</sup> read above, as per the orders dated 22.02.2010 of the Hon'ble High Court of Andhra Pradesh, Hyderabad in WA. No. 1696/2000,

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Sri G. Appa Rao S/o Late Markandeyulu and 3 others R/o Mondemkallu(V), Kurupam (M), Vizianagaram have filed appeal petition before the Government against the orders of the District Collector, Vizianagaram. After examining the said Appeal Petition Government have admitted the appeal petition and stay orders were issued and called for the parawise remarks and connected records from the District Collector, Vizianagaram in the reference 4<sup>th</sup> read above.

4. In the reference 5<sup>th</sup> read above, Smt. Gedela Hemaltha W/o late R.Jagadeswar Rao, and Smt. G. Sobha Rani W/o Parmeswara Rao have filed an implead petition before the Government to implead their names in the Appeal Petition filed by Sri Gedela Appa Rao and 3 others. After examination of the said implead petition Government have accepted to implead them as respondents in the Appeal Petition filed by Sri Gedela Appa Rao and 3 others.

5. In the reference 6<sup>th</sup> read above, the District Collector, Vizianagaram has furnished the parawise remarks and connected records of Sri G. Appa Rao S/o Late Markandeyulu and 3 others R/o Mondemkallu(V), Kurupam (M), Vizianagaram.

6. In the reference 7<sup>th</sup> read above, Sri Gedela Girish, S/o Gedela Narayana Rao has filed an implead petition before the Government to implead his name as 5<sup>th</sup> appellant in the appeal petition filed by Sri G. Appa Rao S/o Late Markandeyulu and 3 others. Government after careful examination of the said Implead petition decided to implead the name of Sri Gedela Girish as 5<sup>th</sup> appellant in the appeal petition filed by Sri G. Appa Rao S/o Late Markandeyulu and 3 others in the reference 8<sup>th</sup> read above.

7. The said Appeal Petition has been posted on 10.04.2012 the same has been informed to the appellants and requested to attend the above hearing with all documentary evidences/ certificates in favour of their community claim, in the reference 9<sup>th</sup> read above. The appellant was presented for the said hearing and explained about their community status before the appellate authority, in support of their claims the appellants filed written arguments along with recorded evidence in two (2) volumes.

8. Government has examined the written arguments and records with reference to the proceedings of the District Collector, Vizianagaram dated. 04.12.2000, grounds and written arguments submitted by the Appellants and having considered the arguments of either side and documentary evidences. The Appellants in their written arguments has informed that basing on the report of the Commissioner of Tribal Welfare, the Collector, Vizianagaram on 04.12.2000 has cancelled his ST (Manne Dora) Certificates Viz., SR No. 35/97/E, dated 21.3.1998 and other ST certificates vide SR No. 35/98/E, dated 11.03.1998 and SR No. 476/96 B dated 06.07.1996 issued by the MRO., Kurupam, on the ground that he has tampered his School record and failed to assail his claim as ST, before the DLSC. It is also contended that by the date of sending report to the Collector for cancellation of ST Certificate of the Appellant, the Commissioner is not competent authority to exercise the said power. Such powers are delegated to the Commissioner, Tribal Welfare only on 24.7.2002 by an amendment notified by the Social Welfare (CV.2) Dept., vide G.O.Ms.No.79 and that the DLSC without following the procedure laid down under Rule 9 of Act 16 of 1993 has simply relied upon the report of the Commissioner and furnished the same as it's own recommendation to the Collector, Vizianagaram, who in turn, without giving any credence to the evidences produced by the Appellant at the time of personal hearings, has deliberately cancelled his ST (Manne Dora) Certificates. As such, the action taken by the Collector, Vizianagaram in the case of the Appellant, just basing on the authority who is not competent is technically not valid arbitrary and

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injustice. Further in support of his claim as ST (Manne Dora) the Appellant has quoted and furnished copies of various documents viz., Birth certificate, Court judgments, Genealogical Chart endorsed by the 'Manne Dora caste Welfare Seva Samithi Society', Affidavits of elders of the Caste, Voter's list and other supporting material.

9. On perusal of the record, copies of the material papers made available in the file and observations/judgments giving in favour of Appellants by the judicial Courts and other relevant cases and such other papers related to the issue quoted as references in the written arguments of the Appellant, it is observed that the Appellants Sarvasri G. Appa Rao, G. Krishna Rao, G.Narayana Rao and G. Lakshmi Ganeshwar Rao Mondemkallu Village of Kurupam Mandal, Vizianagaram District and by virtue of their ST (Manne Dora ) status, they have secured jobs in various Government Departments. It is also noticed that a case has been filed by the police Dept., Parvatipuram vide CC. No. 76/78 in the Court of judicial Magistrate of 1<sup>st</sup> Class, Parvatipuram on the complaint that Sri G. Krishna Rao, 2<sup>nd</sup> Appellant herein has obtained ST (Manne Dora) Certificate, (though belong to 'Telaga', a forward Community) and secured Government service under ST quota. The Hon'ble Court has heard the case on 23.-01.1980, finally, and among others, observed that there is no reliable evidence to hold that the accused is Telaga and not 'Mannepu Dora' and on the other hand, there is ample evidence to find that the accused was 'Mannepu Dora' and not Telaga and hence acquitted the accused from the offence. Similarly, on the same ground CC.No. 85/79 has been filed against Sri G. Appa Rao, the 1<sup>st</sup> Appellant, herein, wherein the Hon'ble Court in it's Judgment dt. 28.11.1981, among others observed that there is no reliable evidence on behalf of the prosecution to clinchingly prove that the accused belongs to Telaga caste. Considering several issues, mentioned therein and the statement of the then Tahsildar, Kurupam, the Hon'ble Court acquitted the accused from the offence, under benefit of doubt. The Criminal Appeal No. 432/83 filed against the judgment in CC.No. 85/79 before the Hon'ble High Court of AP has also been dismissed on 05.03.1984, on the grounds that there are no substantial evidences to prove the accused as 'Telaga' and not 'Manne Dora. The Affidavits given by the elders of the Manne Dora caste and other Public Representatives of Mondemkallu Village disclosed their unique opinion that the Appellants belong to ST(Manne Dora) community. It is also noticed that certain elders with whom the Appellants got relationship have got authenticated recognition as Manne Doras with the family members of late Gedela Markandeyulu and his children.

10. Government after careful examination of the Appeal Petition and after hearing the arguments made by both the parties, it is observed that at the time of furnishing report in the case of the Appellant, the Commissioner has no competency and also the opinion that the claim of the Appellant as ST is not far away from truth and the District Authorities have not examined the case, scrupulously, with reference to the copies of the judgments and other material papers made available, resultantly injustice done to the Appellant and the facts stated supra and in Exercise of the powers conferred under section 7(2) of the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of Issue of Community Certificates Act 1993 (Act No16 of 1993), hereby allowed the Appeal Petition filed by Sri G. Appa Rao S/o Late Markandeyulu and 3 others R/o Mondemkallu(V), Kurupam (M), Vizianagaram , Smt. Gedela Hemaltha W/o late R.Jagadeswar Rao, Smt. G. Sobha Rani W/o Parmeswara Rao, and Sri Gedela Girish, S/o Gedela Narayana Rao, R/o Mondemkallu(V), Kurupam (M), Vizianagaram District and the Proceedings of the District Collector, Vizianagaram issued in (M) Rc. No. 845/98. C7, dated 04.12.2000 are hereby set aside, by upholding the ST 'Manne Dora' community

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certificate SRNo.35/97/E, dated 21.03.1998 and other ST Certificates SR No. 35/98/E, dated 11.03.1998 and SR No. 476/96 B dated 06.07.1996 issued by the Tahsildar, Kurupam infavour of Sri G. Appa Rao S/o Late Markandeyulu and 6 others R/o Mondemkallu(V), Kurupam (M), Vizianagaram District.

11. The District Collector, Vizianagaram shall take necessary action in the matter.

12. The records (containing No. (1) R.Dis. No. 845/98 C7 dated 24.1.2001 NF 01-38, Vol – I CF 01-152 and Vol- II 153 to 451. (2) (M) Rc. No. 1907/2003 C5 containing NF 01 – 10 pages and CF 01-255 Pages ) received from District Collector, Vizianagaram District, through 6<sup>th</sup> read above, are returned herewith in original to District Collector and he is requested to acknowledge the receipt of the same, immediately.

**(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)**

**Dr. A.VIDYASAGAR**  
**PRINCIPAL SECRETARY TO GOVERNMENT (TW)**

To

The District Collector, Vizianagaram (By RPAD) (with original records).

Sri G. Appa Rao S/o Late Markandeyulu,  
Sri G.Krishna Rao, Sri G.Narayana Rao , Sri G. Lakshmi Ganeshwar Rao  
all R/o Mondemkallu(V) (Scheduled Area), Kurupam (M), Vizianagaram District.

Smt. Gedela Hemaltha W/o late R.Jagadeswar Rao,  
R/o Chinna Kumara Street, Parvathipuram, Vizianagaram District.

Smt. G. Sobha Rani W/o Parmeswara Rao  
R/o Chinna Kumara Street, Parvathipuram, Vizianagaram District.

Sri Gedela Girish, S/o late Gedela Narayana Rao S/o late  
Markandeyulu, R/o Mondemkallu (V) (Scheduled Area), Kurupam (M),  
Vizianagaram District.

Sri K.R. Prabhakar, Advocate, plot No. 410, Road No. 22, Jubilee Hills,  
Hyderabad.

**Copy to:**

The Mandal Revenue Officer, Kurupam, Vizianagaram District.

The Commissioner, Commercial Taxes, Opp:Gandhi Bhavan, Nampally,  
Hyderabad.

The CTW, AP, Hyderabad/ the Director, TCR& TI, AP, Hyderabad.

P.S. to M (TW)

P.S. to Principal Secretary (TW)

SF/SC.

**// Forwarded :: By Order //**

**SECTION OFFICER.**